App I IX 1

Previous References

ML 135-41-6

1941
(ML)

File No 135-41
Serial Nos 18, 28

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for July 42

SUBJECT

~~Amend~~ including a Rule as 8(a) under chapter IV of the Rules under Sect 38 of the Mil Act

To,

The President, City Mil Cl Mysore
1237/11 7 42

Rejects the proposal

11 7 42

General and Revenue Secretariat — mc — File No 7146/I/135 of 1941-42 — [App F III-2

Serial No

From the Odt, asst engr elec Ulhasnagar
No GS 2779/41-42 dt 21-5-42
Forwards for consideration & favour a copy of the resolution of the mc el dt 12 5 42 resolving to the effect that Govt be requested to reconsider their orders passed in the matter of introducing a new rule as 8(a) under chapter III of the Rules & Bye laws so as to delegate to the Vice Pdt certain powers of the mc el under sections 193-194 & 198 of the Bom Metres Act 1933

1) Submit for orders with the connected file (mc 135-41)

29/5

1) This resolution is similar to the one passed in respect of the other two subjects which have been dealt with separately The reasons for vetoing the proposal resolution have been fully set forth in the notes recorded on the reference submitted placed before Congress Party in the Meeting of the mc el It is to take away these powers from the President & give them to the Vice President & is unexpedient to do so

NOTE—Co + Sl oet

WD 041 b—G I E— 000— 3 10 41

Resolution - Grant of more Powers - Hon Pol, Mysore Cess) 1 1 / 1 mcf

File No 135 of 1941 — General and ~~Revenue~~ Secretariat

Serial No

3) For orders of any formal reply need be sent

Law secy 29/5/42

4) No fresh grievance given for reconsideration above the decision arrived at. The Minister's decision may be informed accordingly

Minister 17/6/42

Law secy 17/6/42

5) 17/6/42

19-6

I solicit with a draft letter for approval

19/6 CS

Law secy 19/6/42

This file which had been put up for reference for the L.C. interpellation No 38 was returned today by the P.A. to the Minister L&S. This returns.

Law secy 4/7/42

Minister 5/7

8/7/42

9/7/42

SECY LAW DEPT 4888 30 APR 1942 GOVT OF MYSORE

DEWAN'S OFFICE 6 JUL 1942 NO. 236

FOR L S G & H Dat 17 6 1942 No. 2852

SECY LAW DEPT S 354 19 JUNE 1942 GOVT OF MYSORE

SECY LAW DEPT 164 4 JUL 1942 GOVT OF MYSORE

7146
L

General and Revenue Secretariat — mL File No 135 of 1941/42 — [App F III—2

Serial No	
28	To the Odt, cf. mL dL, Mysore NO L237 dy 11-7-1942 States that Govt consider that there are no fresh grounds for reconsidering the decision arrived at already in the matter

P.
13/7
GV

NOTE—Contn Sheet

WD 0115 —GPB—55 000— 3 10 41

File No | of 194 | General and Revenue Secretariat

Serial No

7146/L

OFF O H P DN
CTY M Co M O

ST No 2779/16-5-42
Bruce Ofice

Dated 21-5-1942 19

& Rev

From B S R CHAVENDRA R/O FSO (Tons)
M-NAVANEETHAM-NAIDU-Esq--B A, B L
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

Ml/135-41-18

To The

SECY LAW DEPT 25 MAY 1942 GOVT OF

C NARAYANASWAMY NAIDU ESQ B A B L,
Secretary to Government
Law Department Bangalore

Sir

Re - Introducing a new rule as 8(a) under Chapter IV of the printed Rules and Bye-laws of the City Municipality so as to delegate to the Vice-President certain powers of the Municipal Council under Sections 193-194 and 198 of the City Municipalities Act

====

"Q" With reference to your letter No L 9361/Ml 135-41-12 dated 2nd April, 1942 intimating that Government cannot accept the Municipal Council Resolution No 540 regarding the above I have the honour to state that the above letter was placed before the Municipal Council at their meeting held on 30th April 1942 but the meeting was adjourned to 12th May 1942 and on this date they passed the enclosed resolution which is submitted herewith for the kind reconsideration of Government

I have the honour to be
Sir,
Your most obedient servant
B S Navaneetham
PRESIDENT 21/5

SR 21/5

MYSORE CITY MUNICIPALITY

Proceedings of the Adjourned Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Tuesday the 12th May 1942, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 P S t rami h Esq B A B L *Vice President*
3 A Krishna Murty Esq
4 S Li gan a Esq
5 T Narasimha Iyen ar Esq B A B L
6 A N Suryanarayana Rao Esq
7 Mrs B Kameswaramma B A
8 Aga am Rangiah Esq
9 B Nar y naswamy Esq B A B I
10 M S N nj ppa Fsq
11 G R Rangaswamiah Esq
12 E P Na jappa Esq
13 G Jan rdan Naidu E q
14 M R C Basappa Esq
15 T Venkataramaniah Esq
16 T S Alikhan Esq

ABSFNT

17 U L Ramachand a Rao Esq
18 Chowdiah Fsq
19 M K Linganna Esq B A LL B
20 M C M llappa Esq
21 T S Rajagopala Iye gar Esq M A LL B
22 N Rajagopala Iyengar Esq B A B I
23 T Mariappa Esq B A LL B
24 M V Ve kataramiah Esq
25 Dr A J Ram L M & S
26 Patnam Sreenivasasetty Esq
27 Mahomed Khalilulla Esq M A LL B
28 Haji Mir Amiruddin Khuraichi Esq
29 S A Kareem Esq
30 B L Maridandiah Esq
31 F C Devaraja U s Esq

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Sub ect No 791 Letter o L 9301/ 1 135-41-12 lated 8-4-19 , from the Secretar to Government La / Department Bangalore, stating that Government regret t at the res lution o 540 of the Municip l Council in t e matter of introducing a new Rule as 8 (a) under Chapter IV of t e rules and Bye-l ws of t e Cit Municip lit so as to delegate to the Vice-President under the provisions of Section 38 of the Cit Municipalities ct 1933 cannot be accepted as it is contrary to the express terms of Section 26(1) of the ysore Cit Municipalities ct 1933 and is not also in accordance with Section 49(b) of the Act

===

Resolution - This Government Order be referred back to Government for kind consideration in view of the reasonings pointed out by this Council as noted below -

That the amendment that is now under question would not contravene Section 26(1) and Section 49(b) of the Mysore City

Municipalities Act 1933 Under Section 26(1) the Vice President is to exercise the executive function deputed by the President in accordance with the general or special orders of the Govern ent issued in this behalf

2 The assumption that the functions of t e Vice-President could only be determined under Section 26(1) cannot be accepted in view of the existence of Section 38 in the Act Independently of Section 26(1) this Council being an autonomous body can delegate certain of its executive functions to the President or Vice-President or to any stipendary officer or the Chairman of an Committee as contemplated under Section 38 of the Act

3 The amendment of the Bye-law under question is consistent with the transfer of certain powers from the President to the Vice-President made by this Council as per the Resolution o 539 of this Council

4 Section 49(b) of the Act involved in this Goverirrent Order cannot come in the way of this Council exercising its powers under Section 38 of the Act Section 38 of the ct also empowers the Council to frame necessary rules At best the Government can only approve the rules framed by this Council under Section 49 or frame their own rules under Section 228 or modify the rule under Section 229 (1) of the Act

5 This Council respectfully points out that this Government Order under reference would infringe and conflict with powers vested in this Council under the ct, and further this order would tend to legal complications and dead lo

It may also be pointed out that since certain powers have already been delegated to the Vice-President the exercise of such powers by the President would be Ultra Vires

s such this Council respectfully submits that the Government be pleased to reconside the order and approve the rules framed in accordance with Section 38 of the ct

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Moved by Mr B Narayanaswamy

Seconded by Mr T Narasimha Iyengar

CARRIED

--

Sd B S Raghavendra Rao

PRESIDENT

Copy

B S Raghavendra Rao

PRESIDENT

SIR

Appendix F G—1]

SUBJECT

Section ml

File No 135-41

Serial No 28

Diary No of letter replied to

No L 237

To

The Dpty, cfy mlcl, Mysore

Sir,

With reference to your letter No GF 2779/41-42 Dy 21st May 1942, forwarding for the Consideration of Govt a copy of the resolution of the mlcl Dy 12 5-42 resolving that Govt be requested to reconsider their orders passed in the matter of introducing a new rule as 8(a) under Chapter IV of the Rules & Boye-laws of the

General and Revenue Secretariat

( )

the *19*

Date of issue 11 7 42

Signed by [illegible] Rao

List of enclosures

Copied by

Examined by

WD 086—GPB—40 000—30 7 40

City mcfp so as to delegate to
the Vice Odt certain powers ~~of~~ Conferred on
the mc council under sections
193-194 & 198 of the Mysore City Municipalities
Act 1933, I am directed to
state that Govt consider
that there are no fresh grounds
for reconsidering the decision
arrived at already in the matter

I have etc

for ~~Secy~~ Secy to Govt.
Law Deptt
1936